	TRANSM 1. It is	NUMBER			
			or this material be acknowledged by executing and Unclassified upon removal of the inclosures.		
•		_/RECEIPT NO.	DATE TIME OF MATERIAL	(GMT) FROM(station No.) DTO	RECEIPT
(1	John M. Maury Leg Counsel CIA		Gen Counsel NSA	REMARKS	PROCESS WEIGHT NAME(S)
	ITEM COPY NUMBERS OR NO. RECORDING SERIAL NUMBERS		TITLE OR CATEGORY		TYPE
	1 D6/49/69		Memorandum w/statement on Ervin Bill		SECRET
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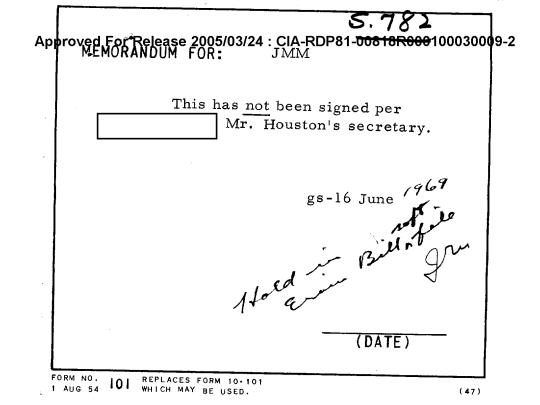
OGC 69-1208

25 June 1969

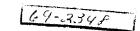
MEMORANDUM FOR:	Legislative Counsel			
SUBJECT:	50 U.S.C. 783(b) and S. 782			
NSA. I generally brief 50 U.S.C. 783(b) and i	igned talked with General Counsel, fed him on our past work on the amendment to its current status. At his request, I am sending t and an explanatory note of the purpose.	25X1		
2. I also briefed on Ervin polling his Subcommittee on S. 782. This was news to I indicated we were making efforts through Frank Bartimo and possibly Fred Buzhardt to determine Thurmond's position. thereupon informed me that he and General Carter have discussed this with Thurmond. Apparently				
psychological and poly	ven a lot of scare stories by Ervin on graph testing. Thurmond's position was that sts and he would have to go with Ervin on the	25X1		
	JOHN S/ WARNER Deputy General Counsel			

25X1

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STAT



OGC 69-0830

The President
The White House
Washington, D. C. 20500

My dear Mr. President:

I am enclosing a copy of S. 782, "A Bill To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy." An identical bill in the last Congress, S. 1035, passed the Senate, but was not acted upon in the House, although hearings were held by the House Post Office and Civil Service Committee.

Whatever its basic merits, S. 782 gives me great concern because of the impact on personnel security and security of information, particularly in intelligence components and other units handling highly sensitive material. I am responsible by law for the protection of intelligence sources and methods from unauthorized disclosure, and the integrity of personnel in the intelligence community is absolutely essential in carrying out this responsibility. The disastrous effect of failures in this field has been amply demonstrated by such cases as Sergeant Dunlap of the National Security Agency and Kim Philby of British Intelligence.

What S. 782 does in essence is to inhibit our ability to obtain full information about our employees and to impair the command and disciplinary system essential to good personnel administration. The first is explicit in the terms of the bill. The second grows out of three provisions:

The first would give the employee right to counsel at the first questioning as to conduct.

The second is the creation of a Board on Employees' Rights to which employees or applicants can appeal directly and which would have disciplinary power over officers they held to be in violation of the act.

The third is a provision giving immediate access to the Federal courts without exhausting administrative remedies to any employee or applicant who felt his rights under the act had been violated.

In addition to the administrative problems obvious herein is the potential for exposure of sensitive information in the Board proceedings or in Federal court actions. Also, the opportunity for a deliberate campaign of harassment by applicants is apparent.

While my immediate concern is, of course, for the personnel of the Agency for which I am responsible, the problem reaches not only to other intelligence components but obviously to the recipients of sensitive intelligence information, since there should not be two standards of security for people who handle the same material. The Secretary of State and the Secretary of Defense share my concern in this respect.

Should S. 782 be enacted in its present form, I believe the only satisfactory solution is an exemption for those employees with access to sensitive information relating to the field of intelligence. I recommend that you approve efforts by me and other appropriate representatives of the executive branch to seek such an exemption.

Respectfully yours.

Richard Helms
Director

Enclosure

OGC:LRH:jeb

O-Addressee

1-DDS

l-ExDir

1-Legislative Counsel

1-The Director

1-General Counsel

1-ER

1-DDCI